

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDIOSTREAM INC,

No. C 11-02525 RS (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE, ORDER FOR
BRIEFING, AND TIME AND PLACE OF
HEARING**

MICROSOFT CORPORATION,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for Microsoft's Motion for Leave to Seek Reconsideration, docket no. 726, Defendants' Motion for Leave to Serve Amended Invalidity Contentions, docket no. 727, and any further disputes regarding infringement or invalidity contentions, or other discovery disputes in this matter.

The hearing for all pending Motions before Judge Spero , docket nos. 726, 727, 730, 732, 746, 750 and 759 have been set for **September 14, 2012, at 9:30 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

IT IS HEREBY ORDERED THAT any opposition(s) shall be filed and served by **August 24, 2012**, and any reply brief(s) shall be filed and served by **August 31, 2012**, as to the Motions for Leave to File a Motion for Reconsideration, docket nos. 726, 732, and 750, Motion for Leave to Amend Defendants' Invalidity Contentions, docket no. 746, and Motion to Strike Portions of Expert Report of Dr. James Foley, docket no. 759.

On July 25, 2012, the Court GRANTED the joint stipulation, docket no. 757, regarding the briefing schedule for Motion for Leave to File/Serve Amended Invalidity Contentions by Defendants Apple Computer, docket no. 727, and Motion to Amend/Correct Defendants' Joint

1 Motion to Seek Leave to Amend Invalidity Contentions Regarding Nero Prior Art, docket no. 730.
 2 Any party seeking an award of attorney's fees or other expenses in connection with this motion shall
 3 file a motion in accordance with Civil L. R. 37-3.

4 **LAW AND MOTION HEARING PROCEDURES**

5 Civil law and motion is heard on Friday mornings at 9:30 a.m., in Courtroom G, 15th Floor, United
 6 States District Court, 450 Golden Gate Avenue, San Francisco, California.

7 In the event a future **discovery dispute** arises, IT IS HEREBY FURTHER ORDERED that
 8 before filing any discovery motion before this Court, the parties must comply with the following:

- 9 1. Lead trial counsel for both parties must meet and confer *in person* regarding the
 10 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,
 11 such as telephone, e-mail, teleconference, or correspondence, have been
 12 unsuccessful. Once those efforts have proved unsuccessful, any party may demand a
 13 meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall
 14 occur within ten (10) calendar days of the demand. The locations of the meetings
 15 shall alternate. The first meeting shall be at a location selected by counsel for
 16 Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a
 17 location to be determined by counsel for Defendant(s), etc.
- 18 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
 19 referred to above, the parties shall jointly file a detailed letter with the Court, not to
 20 exceed five (5) pages without leave of Court, which will include the matters that
 21 remain in dispute, a detailed substantive description of each side's position on each
 22 such issue, and a description of each side's proposed compromise on each such issue.
- 23 3. After the Court has received the joint letter, the Court will determine what future
 24 proceedings, if any, are necessary.

25 In the event that the parties continue to be unable to resolve the matters regarding the timing
 26 and scope of discovery, the Court will consider what future actions are necessary. These actions
 27 may include the following: (1) sanctions against a party failing to cooperate in the discovery process
 28 and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure,

and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to attend the in-person, meet-and-confer sessions described above. The Court is not entering either of these matters as an Order of the Court at this time, and fully expects counsel to meet their obligations under this Order and under the Local Rules.

A party or counsel has a continuing duty to supplement the initial disclosure when required under Fed. R. Civ. P. 26(e)(1).

Law and motion matters may be submitted without argument upon stipulation of the parties and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to the undersigned shall list the civil case number and the district court judge's initials, followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

Dated: July 26, 2012


 JOSEPH C. SPERO
 United States Magistrate Judge